G. R. S. IX-5]

Previous references.

File No. 52-20

1920.

Serial Nos. 1.

(do)

Later references.

Nil 11-20-4.

Preserve 27.5.42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Part B for July 1922.

SUBJECT.

Engagement of Local pleaders in the Execution Proceedings for the recovery of institution fees in pauper suits.

WD 1888—GPB—16,626—23-7-21

S. Nazeer Hussain
11/7/22.

2543

G. R. S. III—1] 1920.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 52-20

FILE HEADING.

Engagement of local Pleaders in the Execution Proceedings for the recovery of institution fees in Pauper Suits.

From

The Revenue Commissioner in Mysore

No. C.590/21 20-21 Dated 11/13 - Aug 1920 Received on 14-8-20

Diary No. 2543	Enclos. 4 Spare Copies. —	Serial No./

BRIEF ABSTRACT OF LETTER.

Recommends that the Deputy Commissioner may be authorised to appoint one of the local members of the Bar to file suit Execution proceedings for the recovery of institution fees in pauper Suits.

NOTES AND ORDERS.

D. No. 1592 24-8-20.

There was a proposal as regards reviews in the case of stamp duty awarded to Govt in Pauper Suits (courts 212-1919) which was transferred to Rev Sect abt about 16th Aug 1920. That file may be had here for reference.

Subd. To the Rev Sect (S.R) Section for kindly putting up the reply.

Notes—First Sheet. 21/8/20. 24/8

the file in question is not available, as the orders have

Serial No.

not is sued in the case. It was submitted to the Asst. Secretary on 22nd Aug. 1920. If necessary the requisition may be renewed about a fortnight hence

24-8-20

To the Chief Secn, Protection Branch.

24/8

To the Supdt. (Gr.) Rev Sectt for Kindly stating if the point now raised by the Rev Com is covered by the draft order proposed in the file of that Sectt.

24/8

In the draft G.O. it is proposed to empower Dy. Comrs to engage a lawyer in such cases. To the Supdt, Protection Branch Sir

26-8-20 26/8 with compliments.

Sahib. The file may perhaps be transferred to the Rev Sectt for disposal

28/8

Most of the cases are generally simple encountered, and it is rarely that Govt recovers any appreciable amounts from the debtors. It does not seem to be necessary to engage the services of Pub: Prosecutors for filing Ex[n] applns. Local pleaders may be engaged

28/8

Rev Sectt

NOTE—Contn. sheet.

G. R S. III-2]

General and Revenue Secretariat. | File No. | of 19

Serial No.

The draft G.O. in the main file deals with the point ~~in the~~ raised by the Rev. Comr. May the issue of ~~the~~ orders in the main file be awaited? In the meanwhile this will be linked with the main file.

~~ABM.~~ 3/9/20 3/9/20 11 AM 9-9

10) question has been disposed of in St. 11-20-4 G.O. No. R. 11306-26 of 11.4.21.

11/7/22.

NOTE—Contn. sheet.

(14)

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

C. No. 590/Rgl 20-21 *Bangalore*.....11th.....August.1920.....

13

FROM

2543.

K.R. Srinivasiengar, Esq., M.A.,
Revenue Commissioner in Mysore.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
~~Department XX~~

SIR,

Rdo dy. no. 1017-19.

Referring to your letter No.G.16888/Cts. dated 23rd January 1920 intimating that Government consider it would be better if the Revenue Officers to whom decrees of Civil Courts in respect of the Court fees leviable in pauper suits are sent for enforcement move the Public Prosecutor in all such cases to file execution applications in the Civil Courts concerned, I have the honour to forward herewith copy of letter No.513 dated 2nd August 1920 from the Deputy Commissioner, Hassan District, together with its enclosures in original stating that it would cause much inconvenience to the Public Prosecutor to be present in the Court whenever the execution cases come up for hearing and that the travelling charges payable to him in such cases would probably exceed the amount to be recovered from the parties. For reasons given by the Deputy Commissioner, I beg to recommend that in Districts in which no Public Prosecutors are stationed, the Deputy Commissioner may be authorised to engage the services of one of the local members of the bar for filing applications and conducting proceedings in such cases.

2. I request also that the action of the Public Prosecutor in entrusting the filing of the execution application in suit No.661

of

R. C. 4.

From

The *Revenue Commissioner in Mysore.*

To Chief

The Secretary to the Government of
H. H. the Maharaja of Mysore,
~~Department.~~

Dated 11th August 1920.

Despatched /3 ——

Received

General No. C. S-90/Gl 20-21

Enclosure No.

SUBJECT.

Recommending that the Deputy Commissioners may be authorised to appoint one of the local members of the bar to file suits in ~~xxxxxx~~ pauper cases.

(5

No.661 of 13-14 to a local Pleader as ~~supported~~ 9965 by the Deputy Commissioner may be approved.

I have the honour to be,

S i r,

Your most obedient servant,

Revenue Commissioner.

B.R.

Ex. 5811 6

Letter No.61 dated 12th June 1920 from the Public Prosecutor Mysore Division to the Deputy Commissioner Hassan District.

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I have the honor to acknowledge with thanks receipt of records regarding O.S.Nos.661/13-14, 853/15-16, 707/16-17 and 584/17-18. I am required to file execution applications in order to recover the amounts due from the parties concerned. In reply I beg leave to intimate that in as much as the execution applications have to be filed in the Munsiff's court at Hassan, it is by no means profitable to Government to entrust the said cases to me. The travelling charges not to speak of the inconvenience caused to me, to be in Hassan while the execution cases come on for hearing would probably be in excess of the amount that would be recovered from the parties. As an execution application has to be filed on or before the 30th of this month in O.S.661/13-14, I beg leave to suggest that the standing council there may be instructed to take needful steps to see out execution. So in anticipation of your approval I return the records for being entrusted to the Standing Council.

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" C O P Y "

Deputy Commissioner,
Hassan District.

Letter No.73 dated 29th June 1920 from the Public Prosecutor, Mysore Division to the Deputy Commissioner, Hassan District.

In acknowledging with thanks your communication No.31355 dated 26th June 1920, I have the honor to submit that the same was received by me yesterday evening. In view of the fact that one viz, O.S.661/13-14 of the execution cases sent to me for suing out execution will become barred if not filed on 30-6-20, I am constrained to observe that the only way in which we can save the bar of limitation is to entrust the same to a local pleader there and request him to file the execution application tomorrow alone. The other three execution application may be filed at leisure in as much as there is a month more for one, 2 months for the other and about a year and nine months for the third Regarding the Revenue Commissioner's circular, I wish to invite your kind attention to Government Proceedings of March 1904, whereby Public Prosecutor will be required to appear in cases of importance and intricacy and when such engagement would not entail unnecessary expense. But be thus as it may. My submission is merely that ~~stringent~~ suing out execution is a very simple matter and it is certainly not profitable to Government to ask me to go over to Hassan for suing out execution, which can with greater facility and efficiency be done by any local pleader there, than by me. As there is absolutely no time for correspondence, I have this day sent O.S.661/13-14 to Mr.H.Singa Iyengar, Pleader for being put in execution. The application has to be filed, if at all, tomorrow alone. The Amildar of Hassan may kindly be directed to sign the vakalat and the execution application. May I request you to place the matter for reconsideration before the Revenue Commissioner in view of the peculiar circumstances of the case? In the event of your permitting me to open correspondence with the Revenue Commissioner regarding the matter under reference, I shall do so and try to impress the Revenue Commissioner that the requisition to the Public Prosecutor to file execution applications in Hassan, would not only infringe his work but also turn out to be inordinately expensive to Government.

" C O P Y "

Deputy Commissioner,
Hassan District.

D.O.Letter No.2 dated Mysore the 5th July 1920 from the Public Prosecutor to the Deputy Commissioner Hassan District.

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I have pleasure to acknowledge with thanks yous communication dated 30th June 1920 requiring me to give my opinion regarding the necessity or otherwise of Investigating Officers and District Superintendents of Police being required to be present to watch the trial of cases before the court of Sessions, I shall certainly be happy to have the privilege of talk with you when I go to Hassan for Sessions work.

2. Regarding the execution cases, I am glad to inform you that one of the said cases which would have become barred if it was not filed on the 30th June 1920 was filed on the said date by my friend Mr.H.Singa Iyengar. As explained already in my previous communications,,I hope there can possibly be no valid objection in my requesting my friend there to file the other execution applications on m behalf.

" C O P Y "

B. Sankara Rao

Deputy Commissioner,
Hassan District.

Letter No.513 dated 2nd August 1920 from the Deputy Commissioner, Hassan District, to the Revenue Commissioner in Mysore, Bangalore.

I have the honour to state that decrees passed by the Munsiff of Hassan in suit Nos.661/13-14, 853/15-16, 584/17-18 and 707/16-17 were sent to this office for taking steps towards the recovery of Court fees payable by the defendents and plaintiffs concerned in those suits. Needful orders were issued to the Amildars concerned in the matter of recovery of the ~~xx~~ sums due to Government. It having been reported that the parties liable to pay the sums were putting off payment without sufficient grounds, the Public Prosecutor, Mysore Division was requested to file execution application in the above cases in pursuance to instructions contained in your circular No.R.Dis.127/61-17-20 dated 27th October 1919. But the Public Prosecutor in his No.61 dated 12th June 1920 requested me to entrust the above cases to a local Pleader on the ground that it would inconvenience him much to be in Hassan while the execution cases come up for hearing and further the travelling charges payable to him would probably exceed the amount to be recovered by the parties. In reply he was informed that the engaging a local Pleader would be contrary to instructions contained in the Revenue Commissioner's circular, and that as the execution application had to be filed in suit No.661/13-14 before the end of June 1920, there was no time to make reference to the higher authorities and obtain instructions and he may therefore do the needful without delay. In his letters No.73 dated 29th June 1920 and D.O.No.2 dated 5th July 1920, the Public Prosecutor states that to save the bar of limitation he has caused the execution application in suit No.661/13-14 being filed in the Hassan Munsiff's Court by one of the local Pleaders and in this connection requests me to address you in the matter of an alteration being made to the effect that in place of the Public Prosecutors the local ~~Pxxx~~ Pleaders may be

required

P.T.O.

required to file execution applications in pauper suits on the ground that the action to be taken being a simple one it is inexpedient and unprofitable to require the services of Public Prosecutors in such matters. I herein enclose for reference copies of his letters quoted above and request the favour of being informed whether under the circumstances represented the action taken by the Public Prosecutor (entrusting the filing of execution application in suit No.661 to the local Pleader) may be approved and the filing of execution applications in the remaining cases through Lawyers at Hassan arranged for.

" C o p y "

For Revenue Commissioner.

B.R.